

Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED

25-27 March 2015

Regional Case Study: Cyberlaw Reform in the EAC

By

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The views reflected are those of the author and do not necessarily reflect the views of UNCTAD

Experts Meeting on Cyberlaws

25th – 27th March, 2015

Geneva, Switzerland

Regional Case Study: Cyberlaw Reform in the EAC



Agenda

- 1) Origin of EAC Framework for Cyberlaws
- 2) Content of Frameworks
- 3) Process of developing the Frameworks
- 4) Status of Implementation
- 5) Achievements and Challenges
- 6) Lessons Learnt
- 7) Conclusions and way forward

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Framework for Cyberlaws: Origin

- Global consensus that e-government services e-commerce are critical for effective participation in the information society
- What are required for e-government services and e-commerce?
 - Content and applications (e.g. e-immigration, e-health, electronic payment systems)
 - ICT infrastructure (e.g. connectivity, storage systems);
 - Enabling environment (i.e. policies, cyberlaws, institutions);
- Recognizing the need for an enabling environment, in 2006, the EAC Council of Ministers approved that the EAC Framework for cyberlaws be developed.



EAC Framework for Cyberlaws: Content

- Two sets of documents, Framework I and Framework II
- Each Framework contains
 - Expositions, legislative guidelines, reference materials, and recommendations for enacting legislation for cyberspace
- Coverage Framework I
 - Electronic transactions, including electronic signatures
 - Cybercrime
 - Data protection and privacy
 - Consumer protection
- Coverage Framework II
 - Intellectual Property
 - Competition
 - E-taxation
 - Information Security



Process

- Developing Framework I began in 2007, was completed in 2008, approved in 2010
- Developing the Framework II began 2010, completed 2011, approved 2013
- Implementation of both Frameworks is in progress in EAC Partner States
- Sensitization and capacity building important elements of implementation
- EAC Secretariat responsible for monitoring implementation



Process

- Frameworks were developed by a Task Force comprising
 - Officials drawn from various government departments including ICT, finance, trade, Attorney Generals Office, judiciary, parliaments
 - Private sector representatives
 - An expert in cyberlaw, serving as the facilitator
 - Financial support from UNCTAD, administrative support provided jointly by EAC Secretariat and UNCTAD
- Actual work was preceded by an intensive class-room type training on cyberlaws

Implementation Status: Framework I

#		Burundi	Kenya	Rwanda	Tanzania	Uganda
1	Electronic Transactions	Draft Bill	Law	Law	Bill	Law
2	Cybercrime		Law	Law	Law/Bill	Law
3	Data protection and privacy	Bill	Bill	Bill	Bill	Bill
4	Consumer protection	Draft Bill	Various laws	Various laws	Various laws and Bill	Law

Achievements and challenges

■ Achievements

- Built local capacity on matters cyberlaws
- Developed consensus
- Produced a reference material for cyber-legislation
- Facilitated implementation of e-government projects at both national and regional levels
- Provided the legal support for the emergence and success of mobile money (i.e. confidence and security)

■ Challenges

Different pace of implementation of the Framework



Lessons learnt

- Involve the relevant people at the right time
 - political class at the beginning for general direction
 - Technocrats for the actual process of developing the

- To promote e-commerce, enact cyberlaws, but develop ICT infrastructure and applications as well (e.g. level of e-commerce activity within EAC does not correlate with presence of cyberlaws)

- Build capacities, share experiences

Conclusions and Way forward

- Law-making is a work in progress
 - Implementation of the framework will still continue
 - Monitor global trends developments, and incorporate in the cyberlaw reform programme as appropriate
- Further work, especially in the area of cybercrime and data protection and privacy
- Monitor evolution of case law on cyberlaws, locally and internationally
- Continue international cooperation in cyberlaw matters



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